

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER
November 12, 2019 – 5:30 P.M.**

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Vicki Newton, Kelly Wilson, Ret Taylor, Matt Marshall, Griffin Hanna, Brian Trumbly and Bob Cooper. Richard Morris was absent.

Chairman Keesee then called for a motion on the minutes from the October 8, 2019, meeting. Commissioner Taylor moved, seconded by Commissioner Cooper, to approve the minutes as written.

Ms. Maggie Rice, Director of Development Services, spoke on the procedures.

5. Variance #34-11-19; A request by Gary Griffin, agent for The Vineyard Group, for a rear-yard setback from 30' to 10' at 900 North 46th Street.

Chairman Keesee announced the applicants for items 5, 6 and 14 requested to table these items until the December Planning Commission meeting. Chairman Keesee called for a motion on item 5. Commissioner Wilson moved, seconded by Commissioner Copper to table this item until the December Planning Commission meeting. Chairman Keesee called for a vote. The vote was 8-0.

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6. Development Plan #16-11-19; A request by Gary Griffin, agent for The Vineyard Group, for a development plan approval for a multifamily development at 900 North 46th Street.

Chairman Keesee called for a motion on item 6. Commissioner Cooper motion, seconded by Commission Trumbly, to table this item until the December Planning Commission meeting. Chairman Keesee called for a vote. The vote was 8-0.

14. Development Plan #14-11-19; A request by Crafton Tull, agent for ERC Holdings, LLC, for a parking lot (off site) at 7910 Hutcheson Court.

Chairman Keesee called for a motion on item 14. Commissioner Taylor motion, seconded by Commission Newton, to table this item until the December Planning Commission meeting. Chairman Keesee called for a vote. The vote was 7 in favor and 1 abstention (Cooper).

1. Canine Creek, Lots 1-14 – Preliminary Plat – Mickle Wagner Coleman.

2. Canine Creek, Lots 1 – Final Plat – Mickle Wagner Coleman.

Chairman Keesee introduced items 1 and 2 as companion items. Ms. Brenda Andrews, Senior Planner, presented the staff report. She stated the property was located at the southeast intersection of Highway

45 and Geren Road, containing approximately 29 acres. She indicated approval of this application would facilitate the development of Lot 1 for a future commercial development, with Lots 2-14 to be developed at a later time.

Randy Coleman was present to represent these items. There were none present to speak in favor or opposition.

Chairman Keesee called for a motion on the Preliminary Plat. Commissioner Hanna motioned, seconded by Commissioner Cooper, to approve the Preliminary Plat subject to the following staff comments:

- The developer must agree to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.

Chairman Keesee then called for a vote. The motion carried with 8 in favor and 0 opposed.

Chairman Keesee called for a motion on the Final Plat. Commissioner Cooper motioned, seconded by Commissioner Hanna, to approve the Final Plat subject to the following staff comments:

- After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the Sebastian County Clerk.

Chairman Keesee called for a vote. The motion carried with 8 in favor and 0 opposed.

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3. Variance #31-11-19; A request by Ron Brixey, agent for Fenwick Sebastian County, LLC/Horan Sons Co., for an exterior side-yard setback from 15' to 6.5' at 423 South 18th Street.

Chairman Keesee introduced item 3. Mr. Rice read the staff report, indicating the location of the 0.16 acre property was on the northeast corner of South 18th and South D Street with approximately 50 feet of street frontage along South 18th Street and 141 feet of street frontage along South D Street. She stated the approval of this item would allow the development of a duplex with four covered parking spaces.

Ron Brixey was present to represent this application. There were none present to speak in favor or opposition.

Chairman Keesee called for a motion. Commissioner Cooper motioned, seconded by Commissioner Hanna, to approve this item as written. Chairman Keesee called for a vote. The vote was 8 in favor and 0 opposed.

4. Variance #33-11-19; A request by Shannon Reith, agent for William H. Hanna, for a variance allowing the use of barbed wire at 12010 Old Highway 71 South.

Chairman Keesee introduced item 4. Ms. Andrews presented the staff report. She indicated the location of the 9.3 acre property was on the northwest corner of Spring Mountain Road and Old U.S. Hwy 71. She stated approval of the variance would allow the use of barbed wire at the top of a 6' chain link fence surrounding a mini-storage development.

Shannon Reith was present to represent this item. There were none present to speak in favor or opposition.

Chairman Keesee called for a motion on the variance. Commissioner Taylor motioned to approve with staff comments, seconded by Commissioner Cooper. Chairman Keesee called for a vote. The motion carried with 7 in favor and 1 abstention (Hanna). Approval is subject to the following:

- Barbed wire is limited to the locations shown on the site plan and the details submitted with the application.

7. Variance #28-11-19; A request by Tim Risley, agent for Bill Copher, for a variance from high-quality materials at 8111 Highway 271 South.

Chairman Keesee introduced item 7. Ms. Andrews presented the staff report stating the 3.9 acre property was located on the east side of Highway 271, north of Mesa Drive, with approximately 545 feet of street frontage along Highway 271. She further stated approval of this item would allow the use of metal panels on the rear façade of the building.

Tim Risley was present to represent this item. There were none present to speak in favor or opposition.

Chairman Keesee called for a motion. Commissioner Wilson motioned, seconded by Commissioner Newton, to approve subject to the following staff comment:

- The addition of the cement fiber board is installed on the front and south facades as shown.

Chairman Keesee called for a vote. The vote was 8 in favor, 0 opposed.

8. Variance #30-11-19; A request by Nicole Swanson, agent for The HUB MU, LLC, for a variance from The HUB at Providence PZD regarding high-quality materials at 9101 & 9301 R A Young Jr. Drive.

Chairman Keesee introduced item 8. Ms Rice read the staff report stating the 5.47 acre property was located on the northeast side of R.A. Young Jr. Drive and Wells Lake Road intersection. She indicated approval of the variance would allow the use of prefabricated steel panels on the exterior facade of the mixed use buildings facing the interior side of the development.

Nicole Swanson was present to represent this application. There were none present to speak in favor or opposition.

Chairman Keesee called for a motion on the variance. Commissioner Wilson motioned, seconded by Commissioner Hanna to approve as written. Chairman Keesee called for a vote. The vote was 7 in favor and 1 abstention (Cooper).

9. Variance #29-11-19; A request by Nicole Swanson, agent for Veterans Warehouse, LLC, for a variance from the required street access from major arterial to local at 7501 Veterans Avenue.

Chairman Keesee introduced items 9, 10 & 11 as companion items. Ms. Rice presented the staff report stating that the 4.15 acre property was on the east side of Veterans Avenue, South of Roberts Boulevard, with approximately 411 feet of street frontage along Veterans Avenue. She indicated the approval of these items would allow for two existing buildings to be utilized as warehouses.

Nicole Swanson was present to represent these items. There were none present to speak in favor or opposition.

Chairman Keesee called for a motion on item 9—the variance. Commissioner Taylor moved, seconded by Commissioner Trumbly, to approve the variance. The motion carried with 7 in favor and 1 abstention (Cooper).

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10. Rezoning Application #24-11-19; A request by Nicole Swanson, agent for Veterans Warehouse, LLC, for a zone change from Not Zoned to Industrial Light (I-1) at 7501 Veterans Avenue.

Chairman Keesee called for a motion on item 10-the rezoning application. Commissioner Trumbly moved, seconded by Commissioner Hanna, to approve the zone change. The motion carried with 7 in favor and 1 abstention (Cooper).

11. Development Plan #13-11-19; A request by Nicole Swanson, agent for Veterans Warehouse, LLC, for a development plan approval for two warehouse developments at 7501 Veterans Avenue.

Chairman Keesee called for a motion on item 11-the Development Plan application. Commissioner Taylor moved, seconded by Commissioner Trumbly, to approve the development plan. The motion carried with 7 in favor and 1 abstention (Cooper).

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12. Variance #32-11-19; A request by Mickle Wagner Coleman, agent for Patriot Square, LLC, for a minimum lot width from 100' to 18' at 5720 Massard Road.

Chairman Keesee introduced items 12 and 13 as companion items. Ms. Andrews presented the staff report stating the 1.58 acre property was located on the west side of Massard Road, just south of the rail road crossing. She further stated the applicant had requested to have a development plan waiver because

there are no current development plans. She indicate approval of these items would allow for the lot to be platted and developed.

Randy Coleman was present to represent these items. There were none present in opposition.

Chairman Keesee called for a motion on item 12—the variance. Commissioner Taylor motioned, seconded by Commissioner Cooper, to approve as written. Chairman Keesee called for a vote. The vote was 7 in favor and 1 abstention (Hanna).

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13. Development Plan Waiver #17-11-19; A request by Mickle Wagner Coleman, agent for Patriot Square LLC, for a development plan waiver at 5720 Massard Road.

Chairman Keesee called for a motion on item 13—the development plan waiver. Commissioner Taylor motioned, seconded by Commissioner Cooper. Chairman Keesee called for a vote. The vote was 6 in favor, 1 opposed (Trumbly) and 1 abstention (Hanna).

15. Rezoning Application #27-11-19; A request by Brett Abbott, agent for Steve Dawson, for a zone change from Not Zoned to a Planned Zoning District (PZD) at 7717, 7718, 7800, 7801 & 7900 Fort Chaffee Blvd.

Chairman Keesee introduced item 15. Ms. Andrews presented the staff report. She stated the property was located on both sides of Fort Chaffee Boulevard, north of Roberts Boulevard. She further indicated the portion of the tract located to the north of Fort Chaffee Boulevard contained an area of 1.10 acres with approximately 560 feet of street frontage, while the portion of the tract located to the south of Fort Chaffee Boulevard contained 0.54 acres with approximately 330 feet of street frontage.

Brett Abbott was present to represent this item.

Quinton Willard, owner of Fort Smith Brewing Company 7500 Fort Chaffee Boulevard, and John Coats, owner of JKC Cellars 7709 Ellis Street, were present to speak in opposition. Mr. Willard and Mr. Coats voiced concerns regarding accountability and objections to the Industrial Use. There was discussion concerning a current lawsuit against the FCRA regarding land use. Dalton Person, Attorney at Jones, Jackson & Moll, was present to speak on behalf of the Defendant side of the land use lawsuit, while Nathan Mendenhall, Attorney at Robertson, Beasley, Shipley & Robinson, PLLC, was present to speak on behalf of the Plaintiff side of the land use lawsuit. Mr. Person explained there was a motion to dismiss on docket for the following week.

Chairman Keesee called for a motion. Commissioner Wilson motioned, seconded by Commissioner Newton, to table the item until a verdict was reached on the impending dismissal of the lawsuit against the FCRA. Chairman Keesee called for a vote. The vote was 8 in favor and 0 opposed to table this item.

16. Rezoning Application #26-11-19; A request by Mickle Wagner Coleman, agent for Arkansas Colleges of Health Education, for a zone change from Not Zoned to a Planned Zoning District (PZD) at 7000 Chad Colley Blvd.

Chairman Keesee introduced item 16. Ms. Rice read the staff report indicating the location of the nearly 120 acre property was to the north of Highway 255 with approximately 3,400 feet of street frontage and to the southeast of Wells Lake Road with approximately 3,300 feet of street frontage. She stated the approval of this item would facilitate the development of a Mixed Use Development that would include the existing Arkansas College of Osteopathic Medicine Campus.

Neal Skelton with Mickle-Wagner-Coleman was present to represent this item. There were none present to speak in favor or opposition.

With no discussion, Chairman Keesee called for a motion. Commissioner Cooper motioned, seconded by Commissioner Trumbly, to approve as written. Chairman Keesee called for a vote. The vote was 8 in favor, 0 opposed.

17. Rezoning Application #25-11-19; A request by Pat Mickle, agent for MR Capital Partners, LLC, for a zone change from Not Zoned to Residential Multifamily Medium-density (RM-3) at 9505 Chad Colley Blvd.

Chairman Keesee introduced items 17 and 18 as companion items. Ms. Andrew delivered the staff report stating the 2 acre property was located on the east side of Chad Colley Boulevard just south of Massard Road with approximately 300 feet of frontage on Interstate 549. A development plan waiver had been request because a development plan had been submitted and approved previously. She indicated approval of these items would place residential zoning on a two-acre site of the Reserve at Chaffee Crossing, an existing multi-family development. Ms. Andrews stated that the two acre site would be part of Phase IV, the final phase of the development.

Randy Coleman with Mickle Wagner Coleman was present to represent these items. There were none present to speak in favor or opposition.

With no discussion, Chairman Keesee called for a motion on item 17—the rezoning. Commissioner Trumbly motioned, seconded by Commissioner Cooper, to approve as written. Chairman Keesee called for a vote. The vote was 8 in favor, 0 opposed.

18. Development Plan Waiver #15-11-19; A request by Pat Mickle, agent for MR Capital Partners, LLC, for a development plan waiver for property at 9505 Chad Colley Blvd.

Chairman Keesee called for a motion on item 18—the development plan waiver. Commissioner Cooper motioned to approve, seconded by Commissioner Marshall. Chairman Keesee called for a vote. The vote was 8 in favor and 0 opposed.

The meeting adjourned at approximately 7:10 P.M.